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REMARKS

Claims 1-4 remain pending in the present application. These claims were amended above to clarify features of the present invention. The claimed invention distinguishes over the prior art for the reasons set forth below.

Rejections under 35 U.S.C. § 103

Claims 1-4 were rejected under 35 U.S.C. §103 over **Kielma et al.** (USP 4,306,350) in view of **Yasuda et al.** (USP 5,134,767). It is submitted that nothing in the cited prior art teaches or suggest, either alone or in combination, all the features recited in the present claimed invention.

For instance, nothing in the cited prior art, either alone or in combination, teaches or suggests preliminarily pivoting the changer arm by a predetermined angle while the main spindle is moved to the tool changing position. In response to the Amendment dated September 25, 2003, the Examiner agreed that **Kielma** “does not disclose the changer arm preliminary pivoting while the main spindle is being moved to the tool changing position.” Indeed, column 14, lines 53-59 of **Kielma** clearly discloses that after the spindle head 72 reaches the tool changing position, “tool change arm 298 is then rotated 90° counter-clockwise from the position shown in Figures shown in 1 and 19 to the position shown in Figure 20.” Therefore, the tool change arm 298 does not preliminarily pivot “while” the main spindle is being moved to the tool changing position. The Office Action correctly identifies this deficiency in the primary reference to **Kielma**.

The additional reference to **Yasuda** was made to overcome the deficiencies in the primary reference to **Kielma**. However, nothing in further reference to **Yasuda** teaches or suggests any

preliminary pivoting of a tool change arm while a main spindle head is being moved. As shown in Figure 4 of **Yasuda**, there are a plurality of grip arms 82, each holding a different tool. These grip arms 82 are part of the tool magazine 66 (see, e.g., Figure 1). The tool magazine 66 is rotated by the indexing motor 68 (see, e.g., column 8, lines 30-35). Figures 7(a)-(i) shows the vertical movement of the main spindle head 24 during a tool change operation. Figure 7(e) shows the main spindle head 24 reaching the elevated tool changing position Z138.

However, there is no rotation of the tool magazine 66 or grip arm 82 while the main spindle head 24 is moving towards the tool changing position Z138. In particular, the magazine motor 68 only operates to rotate the grip arms 82 after the spindle head reaches the elevated position of Z138 (column 10, lines 23-26). As described in Figure 8 of **Yasuda**, magazine indexing does not start until after the main spindle head has arrived at its elevated vertical position Z138. Clearly, the further reference to **Yasuda** still does not teach or suggest any preliminary pivoting of any changer arm "while" the main spindle is being moved to the tool changing position as recited in the present claimed invention. For at least these reasons, the present claimed invention patentable distinguishes over the prior art.

It should also be clarified that the reference to column 2, line 67 to column 3, line 60 of **Yasuda**, as set forth in the Office Action, describes only the vertical movement of the main spindle head and not the rotation of the tool magazine 66 by the magazine motor 68. The cited portion of **Yasuda**, as set forth in the Office Action, does not at all address the claimed feature regarding the pivoting of the changer arm while the main spindle is being moved to the tool changing position. As explained above, **Yasuda** and **Kielma** teach no more than conventional art of pivoting the

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changer arm only ***after*** the main spindle head has arrived at its tool changing position. Therefore, nothing in the cited prior art teaches or suggests, either alone or in combination, all the features recited in the present claimed invention.

For at least these reasons, the present claimed invention patentably distinguishes over the cited prior art, either alone or in combination. Therefore, an early Notice of Allowance is respectfully requested. If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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